

SPECIAL TOWN MEETING
Monday, October 19th, 2020
ABINGTON HIGH SCHOOL/MIDDLE SCHOOL
201 RICHARD FRANCIS GLINIEWICZ WAY
IN PRECINCT FIVE , At 7:00 PM

At 7:05 PM and with 37 registered voters being checked in for this Special Town Meeting, we did not meet the required quorum of 150 voters. Motion made from Board of Selectmen Chairman Timothy Chapin to adjourn this Special Town Meeting of October 19th, 2020 to the date of Tuesday, November 17th, 2020 at 7pm, at the Abington High School/Middle School Auditorium the motion was seconded by Jim Connolly.

Motion passed with a majority vote.

Meeting adjourned at 7:14PM.

Second Session

SPECIAL TOWN MEETING
Tuesday November 17th, 2020
ABINGTON HIGH SCHOOL/MIDDLE SCHOOL
201 RICHARD FRANCIS GLINIEWICZ WAY
IN PRECINCT FIVE , At 7:00 PM

Moderator, Shawn Reilly called the meeting to order at 7:12 P.M. A count of voters in the hall totaled 76*, with a quorum present he proceeded to read the rules of the meeting and read the warrant. Mr. Reilly recognized Matt Salah, the Chairman of the Finance Committee Mr. Reilly asked for a vote to approve Robert J. Kelley, as Deputy Moderator, so voted. Attorney Gregg Corbo of KP Law acted as Town Counsel for the meeting.

Mr. Reilly appointed the following counters for the meeting Liz Stark, Linda Dickey, Steve Wakelin, Tom Dion, Rich Smith, Terry Maze and Chris Nagle.

Article 1: Voted to appropriate from available funds the sum of \$890,000 to design and reconstruct or otherwise rehabilitate the Central Street Bridge, that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$890,000 under G.L. c.44, §7(1); and that the Board of Selectmen is authorized to take any other action necessary to carry out the project. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c.44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Unanimous

For Articles 2,3 and 4 Town Moderator Shawn Reilly steps down and Deputy Moderator Robert J. Kelley continues the meeting.

Article 2: Voted to accept as a Town way the roadway known as “Cook Way” as heretofore laid out by the Board of Selectmen, as such roadway is shown on the Roadway Acceptance plans dated 2/13/2020 and prepared by Silva Engineering Associates, P.C., on file with the Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain or otherwise easements in said roadway, together with all related drainage, utility and other easements.

Unanimous

Article 3: Voted to accept as a Town way the roadway known as “**Belcher Street**” as heretofore laid out by the Board of Selectmen, as such roadway is shown on the Roadway Acceptance plans dated 2/13/2020 and prepared by Silva Engineering Associates, P.C., on file with the Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain or otherwise easements in said roadway, together with all related drainage, utility and other easements.

Unanimous

Article 4: Voted to accept as a Town way the roadway known as “**Crabtree Lane**” as heretofore laid out by the Board of Selectmen, as such roadway is shown on the Roadway Acceptance plans prepared by SITEC, Inc., dated February 24, 2020 on file with the Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain or otherwise easements in said roadway, together with all related drainage, utility and other easements.

Unanimous

Deputy Moderator Robert J. Kelley steps down and Moderator Shawn Reilly returns.

Finance Chairman, Matt Salah motions to bring forward articles 16-24

Unanimous

Article 16: Voted to raise and appropriate from available funds, the sum of \$68,000 to fund the buyout package in the agreement that was made between the Board of Selectmen and the Police Chief

Passed

Article 17: Voted to raise and appropriate the sum of \$15,000 to fund a conversion of the position of Board of Health Assistant from apart-time position to a temporary full-time position to provide the Board with additional assistance with regulation oversight, and other administrative functions.

Unanimous

Article 18: Voted to raise and appropriate the sum of \$70,000 to purchase and install two new boilers for each of Fire Station 1 and Fire Station 2 and any costs incidental or related thereto.

Unanimous

Article 19: Voted to raise and appropriate the sum of \$11,000 to purchase and equip a brush truck for the Fire Department with the remaining 95% to be provided by a grant from FEMA, and further, to authorize the Board of Selectmen, and any other appropriate officials of the Town, to apply and accept said grant or any forms of financial assistance that may be available to the Town on account of this purchase.

Unanimous

Article 20: Voted to raise and appropriate from available funds the sum of \$30,000 to pay the remaining balance for paving the Senior Center Parking Lot project and anything incidental or related thereto.

Unanimous

Article 21: Voted to accept the provisions of the General Laws of Massachusetts, Chapter 59 section 5 clause 41c and to increase all exemptions to 200% of the current State mandated exemption amount, to take effect in Fiscal 2022.

- A. To see if the Town will vote to increase the income limiting qualifications for elderly exemptions pursuant to the General Laws of Massachusetts Chapter 59 section 5 clause (41C) from \$20,000 to \$24,000 if single, and from \$30,000 to \$36,000 if married, to take effect in Fiscal 2022, or take any other action relative thereto.
- B. To see if the Town will vote to increase the asset limiting qualifications for elderly exemptions pursuant to the General Laws of Massachusetts Chapter 59 section 5 clause (41C) from \$40,000 to \$48,000 if single, and from \$55,000 to \$66,000 if married, to take effect in Fiscal 2022, or take any other action relative thereto.
- C. To see if the Town will vote to increase the gross receipts limiting qualifications for elderly deferrals pursuant to General Laws of Massachusetts Chapter 59 section 5 clause (41A) from \$20,000 to \$40,000, to take effect in Fiscal 2021, or take any other action relative thereto.
- D. To see if the Town will vote to decrease the interest rate on elderly deferrals pursuant to the General Laws of Massachusetts Chapter 59 Section 5 clause (41A) from 8% to 3%, to take effect in Fiscal 2021, or take any other action relative thereto.

Motion from Finance Committee Chair Matt Salah to approve this Article

Unanimous

Article 22: Voted to reassign the remainder of Article 7 of FY19 May 20th 2019 STM for the purposed laid forth in this Article and transfer from available funds, the sum of \$12,000 to purchase and equip a greens machine and the sum of \$18,645 to purchase and install replacement protective netting for the Strawberry Valley Golf Course.

Unanimous

Article 23: Voted to raise and appropriate the sum of \$416,487 to supplement the FY 21 school department budget and anything incidental or related thereto.

Unanimous

Article 24: Voted to raise and appropriate the sum of \$22,000 to fund a settlement agreement for an injured employee.

Unanimous

Selectman Alex Bezanson motions to refer/delay proposed Articles 5-14 zoning/bylaw amendments

Planning Chairman Wayne Smith speaks in favor to vote the proposed zoning/bylaw changes he objects to Mr. Bezanson's motion to delay.

Theresa Maze is in favor of Mr. Bezanson's motion to refer/delay the proposed zoning amendments

Thomas Dion motions to amend Mr. Bezanson's amendment makes a motion to consider these for this meeting

Mr. Dion motions to refer art 13 and 14 to planning board for further study and review at a future town meeting and to vote tonight on Articles 5-12

Town Counsel suggests that motion to refer Articles 5 to 14 be voted first and motion to refer Articles 13 and 14 to be voted only if first motion fails.

Motion to refer Articles 5 to 14 to the Planning Board voted and declared approved by voice vote. Voice vote challenged by seven voters: hand count taken.

Motion declared passing by majority with 47 in favor and 29 opposed. No vote taken on motion to refer articles 13 and 14.

Article 5: To see if the Town will vote to amend the Abington Zoning Bylaws §175-58 – General Regulations by adding the following new section:

E. All free-standing signs identifying the property are required to have the physical street address on them to aid public safety agents in time of an emergency. Said street address may be part of or separate from the sign and shall not be included in the calculation of the sign's area, and the sign cannot obstruct sight lines. or take any other action relative thereto.

Submitted By The Planning Board

Article 6: To see if the Town will vote to amend the Abington Zoning Bylaws §175-4 - DEFINITIONS AND WORD USAGE by adding the following new definition:

SWIMMING POOL: Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. Please see definition of swimming pools in International or Massachusetts State Building Codes or take any other action relative thereto.

Submitted By The Planning Board

Article 7: To see if the Town will vote to amend the Abington Zoning Bylaws §175-4 - DEFINITIONS AND WORD USAGE by adding the following new definition:

ACCESSORY APARTMENT: See §175-32-(I)

or take any other action relative thereto.

Submitted By The Planning Board

Article 8: To see if the Town will vote to amend the Abington Zoning Bylaws §175-32(I)(9)(b) – Multi-unit dwellings, apartments or condominium complexes of 12 residential units or more, by adding the wording shown in **bold** as follows:

Change from:

(b)At the beginning of each calendar year, the owner(s) shall file a notarized statement with the Building Inspector listing the name and family relationship of all occupants residing on the premises.

Change to:

(b) At the beginning of each calendar year, the owner(s) shall file a notarized statement (**an annual in-law affidavit**) with the Building Inspector listing the name and family relationship of all occupants residing on the premises.

or take any other action relative thereto.

Submitted By The Planning Board

Article 9: To see if the Town will vote to amend the Abington Zoning Bylaws §175-13 “Lots transected by district boundary line” by changing maximum distance beyond a zoning district boundary line from 50 feet to 100 feet as follows:

When a lot is transected by a zoning district boundary line, the regulations of the bylaw applicable to the larger part (50% or greater) of such lot may also at the option of the lot owner be deemed to govern in the smaller part up to a maximum distance **of 100 feet** beyond such zoning district boundary line, provided that the buffer areas required in §175-66 of this bylaw are met.

or take any other action relative thereto.

Submitted By The Planning Board

Article 10: To see if the Town will vote to delete the note in the Abington Zoning Bylaws §175-21(G) “Table of Use Regulations” which states

“NOTE (1) Solid Waste facilities are prohibited in the Technology Business District”

or take any other action relative thereto.

Submitted By The Planning Board

Article 11: To see if the Town will vote to add the following language to the Abington Zoning Bylaws §175-77 “Site Plan Review”, by adding the following two new sections:

D. Design/Field Changes - During the course of construction, if conditions necessitate the alteration of the approved site plan, the applicant must notify the Planning Board in writing and must have the design changes approved and incorporated into an amended plan, which will require approval by the Board. Failure to do so will result in penalties as outlined in section E.

E. Penalties - Any failure to build in accordance with the approved site plan shall be subject to a penalty determined by the Board commensurate with the need to mitigate the extent of the failure of the applicant to build the project according to the approved plan or to have the applicant completely remove the unapproved work. See §175-80 Enforcement and §175-81 Violations and Penalties.

or take any other action relative thereto.

Submitted By The Planning Board

Article 12: To see if the Town will vote to amend the Abington Zoning Bylaws §175-32D(4) by deleting the language shown in strikethrough and replacing it with the language shown in **bold** as follows;

D. Dimensional requirements. The dimensional requirements for developments of 12 housing units or more in any zoning district within the Town of Abington require that any building shall be at least:

- (1) Sixty feet from any lot line that abuts the proposed development;
- (2) Sixty feet from any street line;
- (3) Fifteen feet from any parking area;
- ~~(4) Fifty feet apart in the event a variance for more than one building on a lot is granted by the Zoning Board of Appeals;~~
and
- (4) Fifty feet from any other residential building granted for the site; and,**
- (5) Not more than 35 feet in height.

or take any other action relative thereto.

Submitted By The Planning Board

Article 13: To see if the Town will vote to amend the Abington Zoning Bylaws §175-39 Multiple Use Planned Development District, Section D. "Tract area and frontage" by reducing the tract size from the present requirement of 10 acres to 3 acres and to read as follows:

D. Tract area and frontage. The tract shall be in a single or consolidated ownership at the time of application shall be at least 3 acres in size with a minimum of 200 feet of frontage, unless otherwise allowed by Special Permit by the Planning Board. If the proposed developments are to be subdivided under the Rules and Regulations Governing the Subdivision of Land each resulting lot shall comply with the requirements of this section. All internal driveways providing access to parking areas and buildings shall comply with the design and construction standards of the Rules and Regulations Governing the Subdivision of Land, as amended, whether or not the driveway network constitutes a subdivision.

or take any other action relative thereto.

Submitted By The Planning Board

Article 14: To see if the Town will vote to amend the Abington Zoning Bylaws Section 175-65 "Vegetation" by deleting it in its entirety and replacing it with the following:

Section 175-65 Vegetation. The purpose of this section is to protect Abington's green canopy, help the town mitigate the effects of climate change, keep Abington's roadways visually appealing, and meet the requirements of the SWPP regulations, while providing applicants with additional flexibility in their designs.

Section 175-65.1

- 1) As part of the documents required for a site plan application, and in order to fulfill Stormwater Protection requirements limiting site runoff caused by the removal of trees, applicants shall file a document containing a survey of all trees greater than 8 inches in diameter, and a map of the areas where proposed clearing activities will take place. Natural tree coverage and other desirable natural foliage shall be preserved on all lots to the maximum extent possible, except for areas where construction activity will be taking place. All trees greater than 8 inches in diameter at breast-height shall be indicated on appropriate project documents.
- 2) The applicant shall plant trees at a ratio of one tree for every 3 trees of 8 inches or greater removed, and the trees shall be of a species suited to the soil and climate of the area, shall be in healthy condition, and shall be a minimum of 20 feet in height and 6 inches in diameter 24 inches above ground level.
- 3) In designing their landscaping plan, applicants can choose from one of the following options:
 - A) Street trees - In order to provide a uniform streetscape look, the developer shall plant trees approximately every 40 feet if the trees are between 12-20 feet at full maturity, or every 70 feet if the trees are in excess of 25 feet of height at full maturity. The trees shall consist of at least 3 varieties of appropriate native species. A list of acceptable trees shall be

available at the Planning Board office. To be considered a streetscape tree, the trees must be planted within 10 feet of the sidewalk or roadway.

- B) Custom Groves - The developer may opt to plant a minimum of 4 trees in a manner that provides additional canopy, a natural boundary between property lines, a grove-style landscaping feature, or other enhanced landscaping designs. The trees shall be at least 30 feet in height at full maturity. The trees shall consist of at least 3 varieties of appropriate native species and be located in the front yards or side yards of the residential properties. A list of acceptable trees shall be available at the Planning Board office.
or take any other action relative thereto.

Submitted By The Planning Board

Article 15: Voted to amend the Abington General Bylaws to enact a new Stormwater Bylaw as set forth in the Warrant, and to authorize the Town Clerk to assign such numbering as is appropriate to bring said bylaw into conformance with the existing codification.

Unanimous

Bylaw as printed in the Warrant

**STORMWATER BYLAW: CONSTRUCTION AND POST-CONSTRUCTION REQUIREMENTS
SECTION 1. PURPOSE**

The purpose of this Bylaw is to establish minimum stormwater management requirements and procedures in order to minimize damage to public and private property and infrastructure; safeguard the public health, safety, environment and general welfare; protect aquatic resources and wildlife habitat; protect the quality and health of water resources; conserve groundwater supplies; and, foster climate change resiliency.

This Bylaw seeks to meet that purpose through the following objectives:

1. establish the Town of Abington as the legal authority to ensure compliance with the provisions of this Bylaw and its accompanying Rules and Regulations through a review process, inspections, monitoring, and enforcement;
2. establish administrative procedures for: the submission, review, and approval or disapproval of Stormwater Management Permits; the inspection of approved active projects; and post construction monitoring;
3. establish decision-making processes surrounding new development and redevelopment that protect watershed integrity and preserves and/or restores the health of local water resources such as lakes, ponds, streams, rivers, wetlands, and groundwater; and
4. ensure compliance with requirements of the United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) and other applicable state and federal mandates.

SECTION 2. DEFINITIONS

For the purposes of this Bylaw, the following shall mean:

AGRICULTURAL USE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40, and its implementing regulations.

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth of Massachusetts or the federal government to the extent permitted by law requesting a soil erosion and sediment control permit for proposed land-disturbance activity.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps reduce the quantity or improve the quality of stormwater runoff.

CERTIFICATE OF COMPLETION: Document issued by the Stormwater Permitting Authority upon receipt of a final inspection report and acknowledgement that all conditions of the Stormwater Management Permit have been satisfactorily completed.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC): A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

ENFORCEMENT ORDER: A written order issued by the Stormwater Permitting Authority to enforce the provisions of this Bylaw.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Abington, MA.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: A permit issued by the EPA or jointly with the Commonwealth of Massachusetts that authorizes the discharge of stormwater to waters of the United States.

NEW DEVELOPMENT: Any construction, land alteration, or addition of impervious surfaces on previously undeveloped sites resulting in a total disturbance of land equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) that does not meet the definition of Redevelopment.

OWNER: A person with a legal or equitable interest in property.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

PROFESSIONAL ENGINEER (P.E.): A registered Professional Engineer within the Commonwealth of Massachusetts in good standing.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition, or phased projects that disturb the ground surface or increase the impervious area on previously developed sites. Any construction, land alteration, or improvement of impervious surfaces resulting in total disturbance of land equal to or greater than 1 acre (or activities that are part of a larger common plan of redevelopment disturbing greater than 1 acre) that does not meet the definition of New Development.

STORMWATER: Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PERMIT: The written approval granted by the Stormwater Permitting Authority to undertake a construction activity pursuant to a Stormwater Management Permit Application. A valid Stormwater Management Permit must be signed by the Stormwater Permitting Authority participating at a duly noted public hearing, and such permit must be recorded at the Plymouth Registry of Deeds, prior to the start of any work.

STORMWATER PERMITTING AUTHORITY: Organization designated by the Board of Selectmen as responsible for enforcing this Bylaw.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, groundwaters, and vernal pools.

WETLAND RESOURCE AREAS: Areas specified in the Massachusetts Wetlands Protection Act Regulations, 310 CMR 10.00, as amended, and in the Town of Abington Wetland Bylaw, as amended.

SECTION 3. APPLICABILITY

No person may undertake a construction activity, including clearing, grading, or excavation that results in a land disturbance to an area equal to or greater than one (1) acre of land or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb an area equal to or greater than one (1) acre of land within the Town of Abington without first obtaining a Stormwater Management Permit issued by the Stormwater Permitting Authority (SWPA).

SECTION 4. AUTHORITY

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, G.L. c.83, §§ 1, 10, and 16, as amended by St. 2004, c. 149, §§ 135-140, and pursuant to the Regulations of the federal Clean Water Act found at 40 CFR 122.34.

SECTION 5. RESPONSIBILITY FOR ADMINISTRATION

The Board of Selectmen shall be the appointing authority for the SWPA. The SWPA is responsible for the administration, implementation, and enforcement of this bylaw. The SWPA shall consist of five members, whom shall permanently be the Director of Public Works, the Planning Board Chairman, the Conservation Commission Chairman, the Health Agent, and the Building Commissioner. The SWPA shall administer, implement, and enforce this bylaw. Any powers granted to or duties imposed upon the SWPA may be delegated, in writing, by the SWPA to any Town employee, board, or agent.

The SWPA shall take any of the following actions as a result of an application for a Stormwater Management Permit as specifically defined within the Stormwater Management Rules and Regulations promulgated as a result of this Bylaw: Approval, Approval with Conditions, or Disapproval.

SECTION 6. REGULATIONS

The Planning Board may adopt, and periodically amend, the Stormwater Management Rules and Regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Bylaw by majority vote of the Planning Board, after conducting one (1) advertised public hearing to receive comments on any proposed revisions. The hearings shall be duly advertised in a paper of general circulation in the Town of Abington no less than fourteen (14) days prior to the date of the public hearing. Failure by the Planning Board to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this bylaw.

SECTION 7. CONSULTANTS

At the applicant's expense, the SWPA may retain independent consultants as needed to re-view applications for Stormwater Management Permit and to advise the Board on any and all aspects of a specific project. Independent consultants may include but are not limited to registered professional engineers and environmental site monitors.

SECTION 8. EXEMPTIONS

The following activities are exempt from requirements under this bylaw:

1. normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04, as amended;
2. maintenance of existing landscaping, gardens, or lawn areas associated with a single-family dwelling;
3. the construction of fencing that will not substantially alter existing terrain or drainage patterns;
4. normal maintenance and improvements of the Town of Abington publicly owned roadways and associated drainage infrastructure;
5. construction or maintenance and repair of utility service lines (gas, water, electric, telephone, fire alarms, etc.) other than drainage lines or systems, which will not alter terrain, ground cover, or drainage patterns;
6. emergency repairs to any stormwater management system or feature that poses a threat to public health or safety, or as deemed necessary by a Town department or board.
7. repair or upgrade of septic systems when required by the Board of Health for the protection of public health;
8. Any work or projects for which all necessary approvals and permits, including building permits, have been issued before the effective date of this bylaw;
9. projects that are wholly subject to jurisdiction under the Wetlands Protection Act and/or the Abington Wetlands Protection Bylaw and demonstrate compliance with the Massachusetts Stormwater Management Policy as reflected in an Order of Conditions issued by the Conservation Commission. A notice of such approval and conditions and a complete copy of the approved stormwater plan and provisions shall be filed with the SWPA before construction begins; and
10. Any construction activity or project requiring approval under the Subdivision Rules and Regulations where the Planning Board has approved a Definitive Subdivision Application and any construction activity requiring site plan review and/or a special permit, provided that the plans include stormwater management provisions and that the activity is in compliance with any additional performance standards contained in the regulations promulgated to implement this bylaw. A notice of such approval and conditions shall be filed with the SWPA before construction begins.

SECTION 9. ENFORCEMENT

The Planning Board or SWPA shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

Civil Relief. If a person violates the provisions of this Bylaw, permit, notices, or order issued thereunder, the Planning Board or SWPA may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Orders. The Planning Board or SWPA may issue a written order to enforce the provisions of this Bylaw, which may include requirements to:

1. cease and desist from construction or land disturbing activity until there is compliance with this Bylaw and the Stormwater Management Permit;
2. repair, maintain, or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan;
3. maintain, install, or perform additional erosion and sediment control measures;
4. perform monitoring, analyses, and reporting;
5. remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system or erosion and sediment control system.
6. cease and desist from unlawful discharges, practices, or operations; and/or,
7. remediate contamination in connection therewith.

If the Planning Board or SWPA determines that abatement or remediation of adverse impacts is required, the Enforcement Order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Abington may, at its option, undertake such work, and the property owner shall reimburse the Town's expense.

Within thirty (30) days after completing all measures necessary to abate the violation, the violator and the property owner shall be notified of the costs incurred by the Town of Abington, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Planning Board or SWPA within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Planning Board or SWPA affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, after the thirty-first day at which the costs first become due.

Criminal Penalty. Any person who violates any provision of this Bylaw, order, or permit issued thereunder, shall be punished by a fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, section 21D, in which case the Planning Board or SWPA shall be the Authorized Enforcing Agent. The penalty for the 1st violation shall be \$100. The penalty for the 2nd violation shall be \$200. The penalty for the 3rd and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Entry to Perform Duties under this Bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the SWPA or its Reviewing Agent, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys, or sampling as the SWPA deems reasonably necessary.

Appeals. A decision of the SWPA shall be final. Further relief of a decision by the SWPA made under this Bylaw shall be appealed to the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L. Ch 249 §4.

Remedies Not Exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state, or local law.

SECTION 10. WAIVERS AND PROVISIONS FOR RELIEF

The SWPA may waive strict compliance with any requirement of this Bylaw promulgated hereunder, where:

2. such action is allowed by federal, state, and local statutes and/or regulations;
3. it is in the public interest;
4. a public safety issue exists; and/or
5. it is consistent with the purpose and intent of this Bylaw.

Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of this Bylaw does not further the purposes or objectives of this Bylaw. The SWPA may require documentation to be submitted and stamped by a qualified P.E. registered in Massachusetts or a Certified Professional in Erosion and Sediment Control (CPESC).

SECTION 11. SURETY

The SWPA may require the permittee to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by Town counsel and be in an amount deemed sufficient by the SWPA to ensure that the work will be completed in accordance with the permit. If the project is phased, the SWPA may release part of the bond as each phase is completed in compliance with the Stormwater Management Permit but the bond may not be fully released until the SWPA has received the final inspection report as required by the Stormwater Management Rules and Regulations and issued a Certificate of Completion.

SECTION 12. SEVERABILITY

If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

Unanimous

Article 25: Voted to approve as printed in the Warrant.

Majority

Article 25 as printed in the Warrant;

To see if the Town will vote to accept the provisions of General Laws Chapter 44, Section 55C, and to establish a trust to be known as the Abington Affordable Housing Trust Fund, whose purpose shall be to provide for the creation and preservation of

affordable housing in the Town of Abington for the benefit of low and moderate income households and for the funding of community housing, as defined and in accordance with the provisions of General Laws Chapter 44B, and, in implementation thereof, to see if the Town will vote to amend the Abington General Bylaws for these purposes, as set forth below, which will include the establishment of a Board of Trustees to govern said trust, and to authorize the Town Clerk to assign such numbering as is appropriate to bring said bylaw into conformance with the existing codification.

ABINGTON AFFORDABLE HOUSING TRUST FUND BYLAW

There shall be a Abington Affordable Housing Trust Fund, the purpose of which shall be to provide for the preservation and creation of affordable housing in the Town of Abington for the benefit of low and moderate income households and for the funding of community housing as defined in and in accordance with the provisions of Massachusetts General Laws, Chapter 44B ("Chapter 44B"). The Trust shall be governed by a Board of Trustees in accordance with General Laws Chapter 44, Section 55C ("Section 55C"), as revised from time to time, and the authority granted by Town Meeting.

§18-1 Name of the Trust

The Trust shall be called the "Abington Affordable Housing Trust", herein referred to as the "Trust".

§18-2 Purpose

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Abington for the benefit of low and moderate income households and for the funding of community housing as defined in Chapter 44B.

§18-3 Board of Trustees

There shall be a Board of Trustees (the "Board") consisting of five members appointed by the Board of Selectmen. At least one (1) of the Trustees shall be a member of the Board of Selectmen. Only persons who are residents of the Town of Abington shall be eligible to hold the office of Trustee. Trustees shall serve for a term of three (3) years, except that two of the initial trustee appointments shall be for a term of one year, and two of the initial appointments shall be for two years, and Trustees may be re-appointed at the discretion of the Board of Selectmen for succeeding terms, with no limits on the number of terms that a Trustee can serve. Any Trustee who ceases to be a resident of the Town of Abington shall cease to be a Trustee hereunder and shall promptly provide a written notification of the change in residence to the Board and to the Town Clerk. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Board of Selectmen to fill such vacancy provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk. Upon the appointment of any succeeding Trustee and the filing of such appointment, the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Trustees may be removed by the Board of Selectmen at any time for cause following the opportunity for a hearing. For purposes of this bylaw, the term "cause" shall include, but not be limited to, violation of any local, state, or federal law; incapacity to perform the duties of a Trustee; and acts of a Trustee, that in the opinion of the Board of Selectmen, are negligent or detrimental to the Town of Abington or the Trust. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.

§18-4 Meetings of the Trust

The Board shall meet at least quarterly in the Town of Abington at such time and at such place as the Trustees shall determine. Special meetings may be called by the Chair Trustees. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, General Laws Chapter 30A, Sections 18-25, as may be amended from time-to-time. A quorum at any meeting shall be a majority of the Trustees qualified and present in person.

§18-5 Powers of the Board

The powers and duties of the Board shall include the following, all of which shall be carried on in furtherance of the purposes and in compliance with the terms set forth in Section 55C:

- A. To accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any by-law or any general or special law or any other source, including money from Chapter 44B; provided, however, that any such money received from Chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from said Chapter 44B are reported to the Community Preservation Committee for inclusion in the community preservation initiatives report, form CP-3, to the Department of revenue;
- B. To purchase and retain real or personal property, including, without restriction, investments that yield a high rate of income or no income.
- C. To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Board deems advisable notwithstanding the length of any such lease or contract;

- D. To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;
- E. To employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary.
- F. To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable.
- G. To apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- H. To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- I. To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
- J. To carry property for accounting purposes other than acquisition date values.
- K. To borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge trust assets as collateral.
- L. To make distributions or divisions of principal in kind.
- M. To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of Section 55C, to continue to hold the same for such period of time as the Board may deem appropriate;
- N. To manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;
- O. To hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate; and
- P. To extend the time for payment of any obligation to the Trust.

§18-6 Acts of Trustees

Provided that a quorum of the Board is present, a majority of those Trustees present and voting may exercise any or all of the powers of the Board hereunder, except as otherwise provided, and such Trustees may execute on behalf of the Board any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered by the Board with respect to the Trust estate.

§18-7 Status of Trust and Board of Trustees

The Trust is a public employer, and the members of the Board are public employees for purposes of General Laws Chapter 258. The Trust shall be deemed a municipal agency and the members of the Board of Trustees special municipal employees for purposes of General Laws Chapter 268A, the Conflict of Interest Law. The Trust is a governmental body for purposes of Massachusetts General Laws Chapter 30A, Sections 18-25, the Open Meeting Law. The Trust is also a board of the Town for purposes of General Laws Chapter 30B, the Uniform Procurement Act, and General Laws Chapter 40, Section 15, provided, however, that agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the Town shall be exempt from said Chapter 30B. Notwithstanding the foregoing, neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town.

§18-8 Custodian of Funds

The Town of Abington Treasurer shall be the custodian of the funds of the Trust. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices. Cost associated with the independent audit shall be borne by the Trust. Upon receipt of the audit by the Board of Trustees, a copy shall be provided forthwith to the Board of Selectmen.

§18-9 Funds paid to the Trust

Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any zoning by-law, exaction fee, or private contribution shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and these funds need not be further appropriated to be expended. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Board within one year of the date they were appropriated into the Trust, remain Trust property.

§18-10 Taxes

The Trust is exempt from General Laws Chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any subdivision thereto.

§18-11 Duration of the Trust

This Trust shall continue until terminated by a vote of the Abington Town Meeting. Upon termination of the Trust, the Board, with the approval of the Board of Selectmen, may sell all or any portion of the Trust property, both real and personal, and, following the payment of all obligations and liabilities of the Trust and the Trustees, shall transfer to the Town the net assets of the Trust, which shall be held by the Board of Selectmen for affordable housing purposes.

§18-12 Compensation of Trustees

Trustees shall not receive a salary, stipend, bonus or other means of compensation for their service as a Trustee, nor shall they be eligible for any benefits from the Town of Abington. Trustees may be compensated for reasonable out-of-pocket expenses for travel and other Trust-related expenses. All such out-of-pocket expenses shall be fully documented with receipts for expenses prior to payment by the Trust.

§18-13 Annual Report

The Trustees shall prepare an annual report describing the activities of the Trust on a calendar year basis. The annual report shall be submitted to the Abington Board of Selectmen by December 31st of each year and will be included in the Town's Annual Report. The annual report shall list all financial transactions conducted by the Trust including all revenues and costs, provide a balance sheet of liabilities and assets of the Trust, list an inventory of all affordable housing units created, sold, and/or managed by the Trust, and any other pertinent information related to the business of the Trust.

Majority

Article 26: Selectmen DiMarzio motions to approve as printed in the Warrant.

Voted to amend the Town Charter Section 5-1-1 relative to the appointment term for the Police Chief by striking the second sentence and replacing it with the following:

Unanimous.

Article 26 as printed in the Warrant:

To see if the Town will vote to amend the Town Charter Section 5-1-1 relative to the appointment term for the Police Chief by striking the second sentence and replacing it with the following:

Change from:

"There shall be a Chief of Police, appointed by the Town Manager, for an indefinite term."

Change to:

"There shall be a Chief of Police, appointed by the Town Manager for such term as the parties mutually agree upon."

Article 27: Ron Howe motions to approve as written in the Warrant.

Unanimous vote to allow non-resident to speak. Michael Nashawaty explains the reasons that the petitioned article was brought forward.

Numerous residents speak for and against the article.

Unanimous vote was taken to end the debate.

Voted to defer the article to the Planning Board, motion is defeated

Hand count taken – motion passes with 70 votes in favor and 8 votes against.

Article 27 as printed in the warrant:

To see if the Town will vote a change §175-24.3(D) of the Town's Zoning Bylaws so that it may read as follows:

"Number of Licenses: The number of recreational marijuana retailers and/or recreational marijuana delivery-only retailers permissible to be located in the MOD shall be limited to 50% of the number of licenses issued within the town for the retail sale of

alcoholic beverages and not to be drunk on the premises where sold pursuant to MGL.c. 138 § 15. In the event that the 50% of said issued licenses shall not be in a whole number, the limit shall be rounded up to the nearest whole number.”

Article 27: Voted to change §175-24.3(D) of the Town's Zoning Bylaws so that it may read as follows:

“Number of Licenses: The number of recreational marijuana retailers and/or recreational marijuana delivery-only retailers permissible to be located in the MOD shall be limited to 50% of the number of licenses issued within the town for the retail sale of alcoholic beverages and not to be drunk on the premises where sold pursuant to MGL.c. 138 § 15. In the event that the 50% of said issued licenses shall not be in a whole number, the limit shall be rounded up to the nearest whole number.”

Passes with 2/3rd Vote

Meeting adjourned at 8:44 PM

Mr. Reilly makes a few announcements and thanks the assembly for attending.

A true record,

Attest:

Leanne M. Adams
Town Clerk

****The Board of Selectmen voted on November 9th, 2020 to lower the quorum for the Annual and Special Town Meeting to 75, in accordance with the provisions of House Bill 4777.***